

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
(Northern Division)**

DIANNE C. WORMUTH,

Plaintiff,

v.

BANK OF AMERICA, N.A. AND OCWEN
LOAN SERVICING, LLC,

Defendants.

Case No. _____

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441(b) and 1441, Defendant Ocwen Loan Servicing, LLC (“Ocwen”) hereby removes the above-captioned action from the Circuit Court for Anne Arundel County, Maryland to the United States District Court for the District of Maryland, Northern Division. As grounds for removal, Ocwen states the following:

BACKGROUND

1. On October 2, 2014, Plaintiff Dianne C. Wormuth (the “Plaintiff”) filed her Complaint and Demand for Jury Trial (the “Complaint”) against Ocwen and co-defendant Bank of America, N.A (collectively, the “Defendants”) under Case No. 02-C-14-191115 in an action styled as *Dianne C. Wormuth v. Bank of America, N.A., et al.* A copy of the entire state court file, including the Complaint, is attached hereto as Exhibit A.

2. Ocwen was served with process in the state court action by certified mail on October 28, 2014. *See Exhibit B* (copy of summons).

3. Plaintiff is a resident and citizen of the State of Maryland. *See Complaint at ¶ 1.* She is the borrower on a mortgage loan currently serviced by Ocwen. *See Complaint at ¶ 22.*

4. The Complaint alleges, *inter alia*, that Defendants violated the Maryland Consumer Debt Collection Act (“MCDCA”), Md. Code Ann., Com. Law §§ 14.201 *et seq.* and Maryland Consumer Protection Act (“MCPA”), Md. Code Ann., Com. Law §§ 13.301 *et seq.* by calling Plaintiff and sending her written correspondence regarding the status of her mortgage loans. *See* Complaint at ¶¶ 3-42.

5. Plaintiff alleges she suffered substantial economic and non-economic damages as a result of the Defendants’ conduct, *id.* at ¶ 38, 41, and specifically prays for “an amount to be determined by the jury for compensatory damages *in an amount in excess of \$75,000.00.*” *Id.* at ¶ Prayer (¶a) (emphasis added).

STATUTORY REQUIREMENTS – DIVERSITY JURISDICTION

6. This Court has diversity jurisdiction under 28 U.S.C. § 1332(a)(1) over this matter because the suit is between citizens of different states and the amount in controversy is more than \$75,000.00.

7. Plaintiff is a citizen of Maryland. *See* Complaint at ¶ 1.

8. The sole member of Ocwen is Ocwen Mortgage Servicing, Inc. Ocwen is organized under the laws of Delaware and its principal place of business is in Florida. Ocwen Mortgage Servicing, Inc. is incorporated in the United States Virgin Islands and its principal place of business is in the United States Virgin Islands. Ocwen therefore is not a citizen of Maryland.

9. Bank of America, N.A. is a citizen of North Carolina under the rules for determining the citizenship of a national banking association because that is the state where its main office is located, as provided in its articles of association. 28 U.S.C. § 1348. Accordingly, Bank of America, N.A. is a citizen of North Carolina.

10. There is complete diversity in this case because no plaintiff is a citizen of the same state as a properly joined defendant. *See* 28 U.S.C. § 1332; *Carden v. Arkoma Assocs.*, 494 U.S. 185, 187 (1990).

11. Plaintiff's Complaint, on its face, seeks a total of "*an amount in excess of \$75,000.00.*" *Id.* at ¶ Prayer (¶a) (emphasis added). Thus, it is beyond argument that the amount in controversy is more than \$75,000.00.

12. Removal to Proper Court. Venue for this removal is proper in the U.S. District Court for the District of Maryland, Northern Division, because this district and division includes Anne Arundel County, Maryland—the location of the pending state court action. 28 U.S.C. § 100(1) (stating that the Northern Division of the Maryland District includes Anne Arundel County); 28 U.S.C. § 1446(a).

13. Removal is Timely. Ocwen was served on October 28, 2014, and thus this removal has been filed within 30 days of service. *Murphy Bros. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 347-48 (1999).

14. Pleadings and Process. Copies of the entire state court file are attached as Exhibits A and B.

15. Notice. A copy of the Notice of Filing of Notice of Removal, which will be timely filed with the clerk of the state court in which the action is pending and will be served on Plaintiff's counsel pursuant to 28 U.S.C. § 1446(d), is attached hereto as Exhibit C. A copy of the Notice of Removal to All Adverse Parties, which will be served promptly on Plaintiff's counsel, pursuant to 28 U.S.C. § 1446(a), (d), is attached hereto as Exhibit D.

16. Consent. By email dated November 24, 2014, undersigned counsel has conferred with counsel for co-defendant Bank of America, N.A. and confirmed that Bank of America, N.A. consents to this removal.

17. Signature. This Notice of Removal is signed pursuant to Fed. R. Civ. P. 11. *See* 28 U.S.C. § 1446(a).

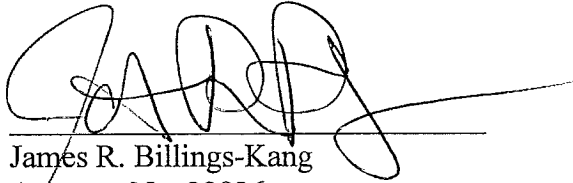
18. Based on the foregoing, this Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1332(a)(1) and the claims are properly removed to this Court under 28 U.S.C. §§ 1441 and 1446.

19. In the event that Plaintiff seeks to remand this case, or the Court considers remand *sua sponte*, Defendants respectfully request the opportunity to submit such additional argument or evidence in support of removal as may be necessary.

WHEREFORE, this action should proceed in the United States District Court for the District of Maryland, Northern Division.

Respectfully submitted,

BLANK ROME LLP



Dated: November 26, 2014

By:

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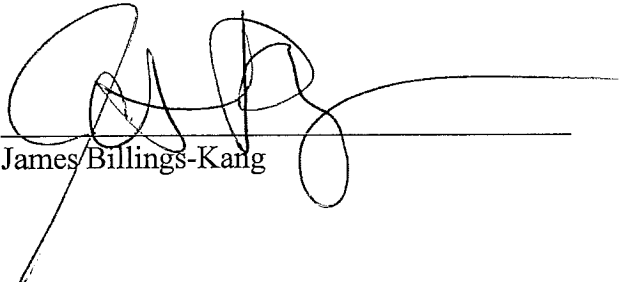
*Attorney for Defendant Ocwen Loan
Servicing, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of November 2014, I caused a copy of the foregoing
to be sent via first class mail to:

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